

Government's Calculation:

<b>Production of Child Pornography (Count 3)</b>	
Base offense level, U.S.S.G. §2G2.1	32
Minor under 12, U.S.S.G. §2G2.1(b)(1)(A)	+4
Commission of a sexual act, U.S.S.G. §2G2.1(b)(2)(A)	+2
Knowingly engaged in distribution, U.S.S.G. §2G2.1(b)(3)	+2
Custody, care, or supervisory control, U.S.S.G. §2G2.1(b)(5)	+2
Use of computer, U.S.S.G. §2G2.1(b)(6)(B)	+2
Grouping of 2 victims, U.S.S.G. §2G2.1(d)	+2
Pattern of activity, U.S.S.G. §4B1.5	+5
Adjusted Offense level:	51

The defendant's 0 criminal history points result in a criminal history category of I.

With timely acceptance of responsibility (offense level of 43), the guidelines are life (360 months—stat max).

Factual Basis for the Plea:

Had the case proceeded to trial, the government would have proven beyond a reasonable doubt:

On August 6, 2022, a woman contacted the Pennsylvania State Police to report that she discovered sexually explicit images of her five-year-old daughter C.H. on her husband, the defendant, Benjamin Wheeler's cellular telephone. Specifically, she disclosed discovering images and videos of C.H. performing oral sex on the defendant, images and videos depicting the lascivious exhibition of C.H.'s genitalia, and images and videos of C.H. engaging in sexually explicit conduct with her ten-year-old cousin J.W.

Upon receiving this information, members of the Pennsylvania State Police obtained search warrants to seize and search the defendant's cellular telephone. Pursuant to the warrant, the cellular telephone was forensically analyzed. In total, law enforcement identified approximately 1,500 self-produced items of child sexual abuse material on the defendant's phone.

One video, created by the defendant on July 24, 2022, in Bradford County, Pennsylvania, depicts C.H. and J.W. in a bathtub. Both children are naked while C.H. performs oral sex on J.W. Another image, created by the defendant on July 24, 2022, depicts C.H. lying supine on a bed. J.W.'s face is positioned in C.H.'s genital area. The image purports oral sex between C.H. and J.W. Another video, created by the defendant on June 30, 2022, depicts the defendant engaging in sexually explicit conduct with C.H.

In accordance with the investigation, both C.H. and J.W. were separately interviewed at the Bradford County Children's Advocacy Center. J.W. disclosed that the defendant would take pictures of him and C.H. doing "bad stuff." He identified his buttocks and penis as areas of his body that the defendant photographed.

During the investigation, the defendant was interviewed by law enforcement. He admitted to sexually assaulting C.H. and J.W. He admitted to using, persuading, enticing, and coercing C.H. and J.W. to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct. He confirmed that the abuse occurred at his residence located at 305 Fredrick Street, Bradford County, Pennsylvania. He admitted to personally producing the child sexual abuse material. Further, he admitted to receiving and distributing child sexual abuse material over Telegram.